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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SOLID OAK SKETCHES, LLC,

Plaintiff-
Counterdefendant,

v.

2K GAMES, INC. and TAKE-TWO
INTERACTIVE SOFTWARE, INC.,

Defendants-
Counterclaimants.

CASE NO. 1:16-cv-724-LTS-RLE

**DEFENDANTS-COUNTERCLAIMANTS 2K GAMES, INC. AND
TAKE-TWO INTERACTIVE SOFTWARE, INC.'S
NOTICE OF MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompany memorandum of law in support of this motion and the accompanying declarations, Defendants-Counterclaimants 2K Games, Inc. and Take-Two Interactive Software, Inc. (collectively, “Take-Two”) will move this Court, before the Honorable Laura Taylor Swain, Judge of the United States District Court for the Southern District of New York, at the United States District Courthouse, located at 500 Pearl Street, New York, New York 10007, at a time and place to be scheduled by this Court, for an order pursuant to Federal Rule of Civil Procedure 56 granting Take-Two summary judgment on:

1. Plaintiff-Counterdefendant Solid Oak Sketches, LLC’s (“Solid Oak”) First Claim (Copyright Infringement);
2. Take-Two’s First Counterclaim (Declaratory Judgment of *De Minimis* Use); and
3. Take-Two’s Second Counterclaim (Declaratory Judgement of Fair Use).

Take-Two certifies that it used its best efforts to informally resolve these matters before filing this motion. Pursuant to Rule 2(b)(i) of Judge Swain’s Individual Rules, on August 15, 2018, Take-Two sent Solid Oak a letter indicating its potential grounds for a motion for summary judgment. Solid Oak responded, and the parties held a telephonic conference to discuss the issue. Those communications did not resolve the issue between the parties. Accordingly, Take-Two had no choice but to file this motion, seeking final resolution of this litigation.

Dated: New York, New York
August 24, 2018

/s/ Dale M. Cendali

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